

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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O'NEAL DANDRIDGE ,  
Plaintiff,  
vs.  
OKTAEI HOOMAN, M.D.,et al.,  
Defendants.  
No. 05-2401-B/P

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ORDER OF DISMISSAL

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Plaintiff O'Neal Dandridge filed a pro se complaint on the form used for commencing actions pursuant to 42 U.S.C. § 1983 on June 1, 2005, along with a motion seeking leave to proceed in forma pauperis. On June 6, 2005, he filed a document which the Court construed as a notice of voluntary dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. Because the defendants had not been served or filed any pleadings, on June 8, 2005, the Court dismissed plaintiff's lawsuit without prejudice pursuant to Rule 41(a). Judgment was entered on June 14, 2005.

On July 20, 2005, Dandridge filed a document which the Clerk has docketed as a motion for reconsideration. The Court construed the document as a motion to allow Dandridge to withdraw his notice of voluntary dismissal. The Court granted the motion on January 5, 2006, denied plaintiff's motion to proceed in forma pauperis, and directed that Dandridge pay the filing fee of \$250 within thirty (30) days of the date of entry of this order. The order provided

that "[f]ailure to timely comply with this order will result in dismissal of this action, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute." 1/05/06 Order at 3.

The time set for compliance with the January 5, 2006 order has expired, and plaintiff has not paid the civil filing fee or otherwise responded to the order. Therefore, the Court DISMISSES the action without prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 28<sup>th</sup> day of February, 2006.

S/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE